

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

ELLIOTT ROOFING, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-16-980-D
)	
JEDSON ENGINEERING,)	
)	
Defendant.)	

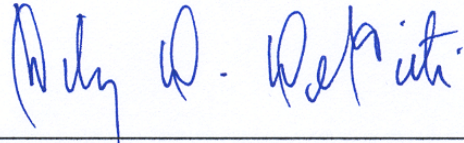
ORDER

Upon examination of the Notice of Removal, the Court finds insufficient factual allegations to establish the existence of subject matter jurisdiction under 28 U.S.C. § 1332(a), as apparently asserted by Defendant.¹ Defendant states only that Plaintiff is domiciled in the State of Oklahoma; Plaintiff states in its pleading that it is an Oklahoma limited liability company with its principal place of business in Oklahoma County, Oklahoma. For purposes of citizenship, a limited liability company is not treated like a corporation under § 1332(c)(1), but like an unincorporated association under *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990). *See Siloam Springs Hotel, L.L.C. v. Century Surety Co.*, 781 F.3d 1233, 1237-38 (10th Cir. 2015). Neither the Notice of Removal nor the petition identifies Plaintiff's members or alleges their citizenship. Therefore, Defendant has failed to demonstrate diversity of citizenship between the parties or to establish a basis of federal jurisdiction.

¹ The Court has "an independent obligation to determine whether subject-matter jurisdiction exists" and may raise the issue *sua sponte* at any time. *Image Software, Inc. v. Reynolds & Reynolds Co.*, 459 F.3d 1044, 1048 (10th Cir. 2006).

IT IS THEREFORE ORDERED that Defendant is directed to file an amended notice of removal within 14 days of this date to cure the deficiency identified in this Order.²

IT IS SO ORDERED this **29th** day of August, 2016.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

² Defendant need not re-file the exhibits attached to the Notice of Removal but may incorporate them by reference pursuant to Fed. R. Civ. P. 10(c).